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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10-610.957

07/01/2003

James R. Bylander

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01/23/2004

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EXAMINER

HEALY, BRIAN

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/610,957

Applicant(s)

BYLANDER ET AL.

Examiner

Brian M. Healy

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2874

Healy

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 28 and 31-38 is/are rejected.
- 7) ☒ Claim(s) 26, 27, 29, 30, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) same.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Brian Healy
Brian Healy
Examiner

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DETAILED ACTION

Allowable Subject Matter

1. Claims 26,27,29,30,39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record teach or suggest the specific parameters of grating length, coefficient of thermal expansion and materials for the support member listed in the aforementioned claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

3. Claims 1-25,28, and 31-38 are rejected under 35 U.S.C. 102(b) as being anticipated by

Adams et. al., U.S.P. No. 6,122,421.

Adams et. al., U.S.P. No. 6,122,421 teaches (Figs. 1-10) an apparatus and method of adjusting the spectral broadband response of an optical fiber Bragg long period grating 11,12 by attaching the fiber grating 12 to a support member 14 along a centroid axis and applying bending

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moments at two or more locations 17a,17b such that the grating is axially strained along the length of the grating and an axial strain profile along the length of the grating which thereby alters the spectral response and center wavelength of the grating or compensation for chromatic dispersion, which clearly, fully meets Applicant's claimed limitations

A copy of PTO-1440 will also be included in this office action.

The following references are also cited by the Examiner as being pertinent prior art: Miller et. al., U.S.P. No.2002/0131709A1 (Figs.1-4B), Kim et. al., U.S.P. 2001/003710 A1 (Figs.1-47), Guillon et. Al., U.S.P. No.5,613,023 (Figs.1-6), Mihailov et. al., U.S.P. No.5,706,375 (Figs.1-7), Ferries et. al., U.S.P. No.5,699,468(Figs.1-4) and Giannone et. al., U.S.P. No.2003/0072532 A1 (Figs.1-14).

Any questions concerning this office action should be directed to:

Brian M. Healy

Primary Examiner

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Phone:(571)272-2347

Brian M. Healy
B. M. Healy
Primary Examiner